

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 571 of 2015

- Tejram Vishwkarma, S/o Aamarsai Vishwkarma, Aged About 22 Years, R/o Mudgaon, P.S.- Bagbahara, Civil And Revenue District- Mahasamund, Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh, Through Police Station, Bagbahara, Civil And Revenue District Mahasamund, Chhattisgarh.

---- Respondent

For Appellant	:	None
For State/Respondent	:	Shri B.P. Banjare, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

11/06/2021

1. This appeal has been preferred against the impugned judgment dated 24/03/2015 passed in Special S.T. No.H-50/2014 by the Additional Sessions Judge, FTC,/Special Court (POCSO), Mahasamund, (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 363 of the I.P.C.	R.I. for 3 years and fine of Rs.500/- with default stipulations
U/s 366 of the I.P.C.	R.I. for 3 years and fine of Rs.500/- with default stipulations
U/s 4 of POCSO, 2012	R.I. for 7 years and fine of Rs.500/-

	with default stipulations
All sentences to run concurrently.	

2. According to the case of prosecution, father of the prosecutrix Munshilal Lodged a report in Police Station Baghbahara stating that his 16 years old daughter had gone to school on 08/02/2014 at 7:00 AM, but did not return to home. It was also found that his neighbour i.e. present appellant was also missing. When prosecutrix was being searched, at that time, appellant made a call to father of the prosecutrix from mobile and told him that his daughter (prosecutrix) is with him and he made her elope to perform marriage with her. On the basis of the said report, offence under Sections 363 & 366 of the I.P.C. is registered. During course of investigation, prosecutrix was recovered. Statements of prosecutrix and other witnesses were recorded under Section 161 of the Cr.P.C. After completion of the investigation, a charge-sheet was filed. To prove the guilt of the accused/appellant, prosecution has examined as many as 7 witnesses. No defence witness has been examined. Statement of appellant under Section 313 of the Cr.P.C. was recorded, wherein accused/appellant has pleaded his innocence and false implication in the matter.
3. After completion of trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. A Jail report sent by the Jail Superintendent, Central Jail, Raipur, (C.G.) dated 17/03/2021 would mention that appellant has undergone

the entire jail sentence imposed upon him by the trial Court and already released on 13/01/2020.

5. No one appears on behalf of appellant today. Finding the correctness of judgment of the trial Court, I decide this appeal on merits.
6. I have heard learned Counsel appearing for the State, perused the record and other annexed documents to assess the correctness of the impugned judgment of conviction.
7. From the oral and documentary evidence adduced by the prosecution, it is well-established that at the time of alleged incident, age of the prosecutrix was below 16 years. Prosecutrix, in her Court statement has supported the entire case of the prosecution and deposed according to the case of prosecution. She has categorically deposed that appellant, on pretext of marriage has taken her with him and both have stayed together for about one year at various places where appellant committed sexual intercourse with her on various occasions and he did not perform marriage with her. Prosecutrix remained firm during her cross-examination. There is nothing on the record on the basis of which statement of the prosecutrix can be disbelieved.
8. On a minute examination of the evidence on record, it is clear that there is sufficient evidence against the appellant to hold him guilty. In my considered view, the trial Court has rightly convicted the appellant.
9. Consequently, the appeal has no merit and is, therefore, dismissed.

**Sd/-
(Arvind Singh Chandel)
Judge**